MIDDLE EAST AND SOUTH ASIA REVIEW

26 MARCH 1981

Inter-Arab Affairs

Syrian-Jordanian Relations--In a 24 March speech commemorating the establishment of the International Confederation of Arab Trade Unions, Syrian President Hafiz al-Asad criticized Jordanian King Husayn at length for failing to fight hard in the June 1967 war and thereby allowing Israel to seize the West Bank with ease. In his address, broadcast live by Damascus radio and television, Al-Asad stressed the importance of Syria's treaty of friendship with the Soviet Union, claiming that while the Soviet Union is giving Syria the "same" arms it gives its Warsaw Pact allies, the United States is not giving Jordan the same arms it gives Israel. This is because Syria and the Soviet Union are friends, he went on, whereas King Husayn is "subservient" to the United States. Al-Asad called on King Husayn to implement the decision of the recent Arab summit conference to open Arab fronts to Palestinian fedayeen action. Al-Asad claimed that Syria's own "small front" is open to fedayeen action but noted that in any serious struggle with Israel, Jordan's "long front" offers "better possibilities" for the Arabs. Jordan should not block its front to Palestinian action by "pretexts," Al-Asad said, concluding his speech with further criticisms of King Husayn.

An unattributed Amman radio commentary reacted to the Syrian president's speech by asserting that the "cautious" Hafiz al-Asad had lost his temper and resorted to falsifications that reflect the Syrian regime's "panic and confusion." Jordanian Foreign Minister Marwan al-Qasim made a speech to the Arab League Council session in Tunis in which he criticized the Syrian Government for breaking off a trend toward "real unity" with Jordan and making Jordan the target of campaigns of "incrimination and accusations." In his speech, carried textually by PETRA-JNA, Al-Qasim said that Syria's present support for Iran is inconsistent with its earlier support for Arab rights in "Arabistan" and also accused Syria of seeking to impose "hegemony" on the Palestinians. Documenting recent Syrian acts of "terrorism," the Jordanian foreign minister called on the Arab League Council to lay down a "practical formula" to confront such terrorism and its perpetrators.

Libyan Call to League--Tripoli radio confirmed that Libya has submitted a memorandum to the Arab League Council session in Tunis calling for Sudan's expulsion from the league owing to its decision to restore diplomatic relations with Egypt and its willingness to permit U.S. "military bases" on Sudanese territory.

Arab League Council Session--The Arab League Council session ended in Tunis on 25 March, Tunis radio reported. It added that in a press conference after the final meeting, Arab League Secretary General Chedli Klibi said that the council condemned the Israeli plan to dig a canal linking the Mediterranean and Dead Seas and decided to put the U.S. decision to supply Israel with nuclear reactors on the coming Arab summit agenda.

Jibril on Brezhnev Proposals--Citing the Lebanese newspaper ASH-SHARQ, KUNA reported that Ahmad Jibril, leader of the Popular Front for the Liberation of Palestine-General Command, has rejected a recent call by Soviet President Leonid Brezhnev for an international conference on the Middle East, terming it a mere "trial balloon." PLO leader Yasir 'Arafat had welcomed the proposal, which Brezhnev made during the 26th CPSU Congress in February.

Oman Protest--Muscat radio reported that the Sultanate of Oman has sent a note to the Arab League complaining of "repeated acts of aggresion" against Oman by the PDRY. It listed several incidents in November 1980 and February 1981 in which, it alleged, PDRY forces crossed the border into Oman and in some cases opened fire on Omani troops. On 27 February, the note said, the ambassadors of the states of the Arabian Peninsula and Gulf were informed of the incidents. The note stressed that Oman has never initiated aggression against the PDRY.

Israel

In a Jerusalem television interview, Labor Party Chairman Shim'on Peres said that with a "correct" Israeli policy it would be possible to establish a "regional antiterror setup" to counter Soviet or alien penetration and "fanatic" forces and at the same time to promote economic cooperation. Egypt, Saudi Arabia, Jordan, the United States and Israel could cooperate, he said, in establishing a mutually desirable setup. A new chapter has begun in Israel's foreign policy, he added, in which Israel will hold "parallel" negotiations with Egypt on Camp David, with the inhabitants of the occupied territories and with Jordan. Regarding the "Jordanian option," Peres indicated that he would prefer Jordan to reject an Israeli initiative than have Israel always being blamed for adopting a negative attitude. Peres praised the Reagan administration for emphasizing the need for a "joint war" against terrorism.

Lebanon

Clashes in Ba'labakk--Voice of Lebanon radio reported that 15 people were killed and 80 wounded during clashes in Ba'labakk over the past few days. According to KUNA, the clashes between the pro-Iranian Shi'ite Amal movement and pro-Iraq Ba'thists resumed suddenly on 25 March after intervention the day before by Syrian Arab Deterrent Forces (ADF). Voice of Lebanon claimed that the ADF had been unable to separate the warring factions because of intensive shelling and sniping "from all directions." A 26 March Voice of Lebanon report said that the ADF had announced a 48-hour deadline for the closure of all Iraqi Ba'th Party and PLO offices in Ba'labakk.

Army Deployment--Beirut radio reported that a meeting of high-level political and military leaders approved a "practical plan" to dispatch the Lebanese Army to the south in stages.

Iran-Iraq Conflict

The Iranian Air Force shot down an Iraqi aircraft over Shadegan, Tehran radio reported. INA claimed that Iraqi forces shot down an Iranian Phantom over Umm Qasr. Tehran radio also reported that Iranian troops attacked and occupied the hills overlooking Nowsud, while the INA account of the clash said that Iranian troops were forced to flee from the area.

Pakistan

Citing "court sources," AFP reported that the chief justice of the Supreme Court, two other Supreme Court judges and a number of provincial high court judges have refused to take the oath of office stipulated by the new Constitution promulgated on 24 March. Under the new Constitution, judges must take a new oath of office or lose their positions. The Constitution has deprived the courts of the power to review cases tried by military tribunals.

FBIS DAILY REPORT

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PLO CHAIRMAN YASIR 'ARAFAT VISITS DACCA FOR TALKS

Airport Welcoming

BK260656 Dacca Overseas Service in English 0445 GMT 26 Mar 81

[Text] PLO chief Yasir 'Arafat arrived in Dacca from Jidda at midnight last night aboard a special aircraft. President Ziaur Rahman received him at the airport. Prime Minister Shah Azizur Rahman, Deputy Prime Minister Jamaluddin Ahmed, S.A. Bari and some ministers were also present.

This is 'Arafat's first visit to Bangladesh. Talking to newsmen at the airport, the PLO chief said he would discuss with President Zia various matters concerning the Muslim world. The Palestine problem, with particular reference to the Lebanon crisis, will be discussed. 'Arafat said his talks will also cover bilateral relations between the people of Bangladesh and Palestine.

Press Conference

NC261200 (Clandestine) Voice of Palestine in Arabic to the Arab World 1115 GMT 26 Mar 81

[Excerpt] The Palestine news agency correspondent in Dacca reports that brother Abu 'Ammar [Yasir 'Arafat] watched a military parade in Dacca this morning that marked the 10th anniversary of the independence of Bangladesh.

Abu 'Ammar also held a press conference, where he spoke about the repeated military attacks against southern Lebanon and said that Israel was preparing to wage a large-scale attack against southern Lebanon. At his press conference, brother Abu 'Ammar condemned the United States for its unlimited support for the Zionist entity.

PROVISIONAL CONSTITUTION ORDER PROMULGATED

GF251101 Karachi Domestic Service in English 1755 GMT 24 Mar 81

["Details" of Provisional Constitution Order 1981 issued by Pakistani President Ziaul Haq on 24 March--place not given]

[Text] The chief martial law administrator has promulgated Provisional Constitutional Order 1981, which comes into force with immediate effect. The order provides for the reappointment of one or more vice presidents and an official council, to be known as the Majlis-e Shura. When political activities are permitted by the president, only those now-defunct political parties will be entitled to function as were registered with the Election Commissioner on 30 December.

11 political parties other than those registered shall stand dissolved and all their property and funds forfeited. No political parties will be formed after the commencement of this order, except with the previous permission of the people's commissioner. A person holding office immediately before the commencement of this order as chief justice or judge of the Supreme Court, chief justice or judge of the high court, or president or member of the Federal Court shall not continue to hold that office if he has not taken the oath according to the prescribed form. The chief martial law administrator has (?summoned) the provisional council of 1981 [words indistinct]. Here are the details of the order:

Whereby the founder of Pakistan, Quaid-e Azam Mohammad Ali Jinnah, has declared that Pakistan will be a democratic state based on Islamic principles of social justice and will (?express the principles) of the resolution of 1949; and whereas in 1973 the Constitution of the Islamic Republic of Pakistan was adopted; and whereas the complete [words indistinct] and moral authority of the government, as a result of a protest movement launched by the people of Pakistan [word indistinct] in July 1977, and the political situation was such that the (?existing) constitution provided no solution; and whereas on the 5th day of July 1977, the Armed Forces of Pakistan had to intervene to save the country from further destruction and [words indistinct], the chief martial law administrator imposed martial law throughout Pakistan and declared that the (?previous) Constitution shall be in abeyance; and whereas the chief martial law administrator has already announced that endeavors are being made to restore, as soon as possible, all representative institutions, in accordance with the principles of Islam; and whereas the State of Pakistan exercises its authority through the chosen representatives of the people and until then interim measures are necessary; and whereas the laws (?which continue to be in force) as in 1977 were also made by the chief martial law administrator on the same day, and that [words indistinct] under the jurisdiction of the superior and lower courts; and whereas circumstances exist which threaten the integrity and sovereignty of Pakistan and its Islamic ideology, as evidenced by the recent events; and whereas the chief martial law administrator is satisfied that it is necessary to make adequate interim provisions for governing Pakistan, in accordance with the provisions contained in this order, for removing (?this threat), for consolidating and deferring the law and for effectively [word indistinct] the sovereignty and integrity of Pakistan and its Islamic ideology, and therefore, [word indistinct] the proclamation of the 5th day of July 1977 [words indistinct] and in accordance with the [word indistinct] vested in him (?on the basis of that order), the chief martial law administrator has made the order as follows:

The Constitution of the Islamic Republic of Pakistan 1973, which is currently suspended but will be hereafter known as the Constitution, shall retain (?some provisions) of this order and any order made by the president and chief martial law administrator; namely. 1, 2, 3, 4, 5-I, 45, 97, 98, 100, 137, 138, 141, 142, 143, 145-161, 163-181, 183-195, 197, 201, 202, 203-I, 203-II, 203-V until IX, 203 [number indistinct], 204-206, 207A and C, 208-209, 227-233, 234-236, 244-245, 268, 269, 274, 275 and 277-279.

There shall be one or more vice presidents in Pakistan, to be appointed by the chief martial law administrator. A vice president shall take before the president the oath in the form set out in the schedule. A vice president may, by writing (?in his hand) addressed to the president, resign his office. If the office of president becomes vacant by reason of death or resignation, the senior vice president shall act as president until the successor to the president assumes the office. If the president, by reason of absence from Pakistan or any other grounds, is unable to perform his functions, the senior vice president--or if the office of senior vice president is vacant or he is also absent from Pakistan or for any other cause is unable to perform his functions, such other person as the president may designate--shall perform the functions of president until the president returns to Pakistan or, as the case may be, resumes his office.

There shall be a special council, the Majlis-e Shura, consisting of such persons as the president names by order. The special council of Majlis-e Shura shall perform such functions as may be specified in an order made by the president. Without any appointment of ad hoc judges of the Supreme Court, the order provides that if at any time it is not possible, for want of quorum of judges of the Supreme Court, to hold or continue any sitting of the court, or for any other reason it is necessary to (?temporarily) increase the number of judges of the Supreme Court, the president may request any person who holds office in a branch of that court and/or has held the office in the last 3 years, or [word indistinct] a judge of the high court qualifies for an appointment to judge of the superior court to (?join) the Supreme Court as an ad hoc judge [word indistinct], may be made as necessary and while so attending, an ad hoc judge shall have the same power and jurisdiction as a judge of the Supreme Court.

As for the power of the Supreme Court to transfer a case: It has been provided that on the application of any of the parties and also giving notice to the parties and [words indistinct] or without such notice, the supreme court may [words indistinct] transfer (?the case) from one high court to another high court. Each high court in existence (?before) the commencement date of (?this order) shall continue to have its [words indistinct]. Each high court and the judges and the divisional court thereof shall see that the responsible [words indistinct] circuit courts consisting of (?such) judges as may be nominated by the chief justice. The Lahore high court shall have a bench in Bahawalpur, Multan and Rawalpindi. The high court of Sind shall have a bench at Sukkur; the Peshawar high court shall have a bench in Abbotabad and Dera Ismail Khan; and the high court of Baluchistan shall have a bench at Sibi. The same procedure shall be [word indistinct] and established under this order and also [word indistinct] in any court regarding the establishment of otherwise of any of its said benches shall approve forthwith. In case a high court may have (?met) at such other places as the governor of the province (?may allow, with the sanction of) the chief justice of the high court, the governor, in consultation with the chief justice of the high court, shall not [word indistinct] to provide the following matter, that is to say, [words indistinct] shall exercise jurisdiction vested in the high court and for all incidental, supplementary or consequential matters. At any time when the office of the chief justice of the high court is vacant or the chief justice of the high court is absent or is unable to perform the functions of his office due to any other cause, the president shall appoint one of the judges of the high court or may request one of the judges of the Supreme Court to act as chief justice.

As for the jurisdiction of the high court subject to this order: A high court may, if it is satisfied that no other adequate remedy is provided by law, on the application of any of these parties, then direct a person to file a [words indistinct] the jurisdiction of the court.

In functions in connection with the [words indistinct] local authority, he must refrain from doing anything that he is not permitted by law to do, and must do anything he is required by law to do or declaring [words indistinct]. If proceedings taken within the territorial jurisdiction of the court by a person performing functions in connection with the affairs of the federation, a province or a local authority, has been done or taken without local authority, and is of no legal effect, or on the application of any person, he may then order that a person in custody will, in the territorial jurisdiction of the court, be set at liberty after satisfying (?himself) that he is being held in custody without lawful authority, or requiring a [word indistinct] within the territorial jurisdiction of the court, holding or professing to hold a public office to show under what authority of law he claims to hold that office.

An order shall not be made under clause one or an application made by or in relation to a person who is a member of the Armed Forces of Pakistan or who is for the time being subject to any law relating to any of those forces, in respect to the terms and conditions of service and in respect of any matter arising out of his service or in respect to any action taken in relation to him as a member of the Armed Forces of Pakistan or as a person subject to such law. Every such order that has been [words indistinct] made, granted or issued at any time before or after the commencing day shall, notwithstanding any judgment of any court, be null and void and of no validity whatsoever, and any proceedings for the making of such an order which was (?pending) before any court, including the Supreme Court and a high court, shall (?be void). A high court shall not make under this article an order prohibiting the making of an order for the detention of any person under any law providing for preventive detention or make any order for the release and bail or make an order for suspending the operation of an order for the custody of any person against whom a report or complaint has been made before any court or tribunal, or against whom a case has been registered at any police station in respect of an attempt, or who has been convicted by any court or tribunal--including a military court or tribunal established under the martial law order or martial law regulations--and [words indistinct] in respect of an attempt or any other interim order regarding production, [as heard] custody or release of any person referred to in any of the (?preceding) paragraphs. Any (?sub order) as referred to in clause four, made at any time on or after the 5th day of July 1977, shall cease to be in effect [words indistinct], for the making of such an order that may be pending before any high court shall [word indistinct].

The provisions in clauses four and five shall also apply to the disposal of any preceedings and applications for (?hearings) [words indistinct] from an order such as is referred to in the said clause four, that no (?appeals) in the Supreme Court may be made before the commencing date.

Where an application is made to the high court for an order under paragraph four or subparagraph two of paragraph A of clause one, the court shall not make an interim order unless the prescribed law officer has been given notice of the application and who, or any person authorized by him on that behalf, has had an opportunity of being heard, and the court shall [words indistinct] to be recorded in writing, is satisfied if the interim order has the effect of rescinding an order for proceedings which at the seat of the record is without jurisdiction. An interim order made by the high court on [words indistinct] to question the validity or legal [words indistinct] proceedings taken or (?begun) by any authority or person which has been made, taken or done or [word indistinct] which has been made, taken or done under any law which is specified in part one of the first (?section) of the Constitution or relates to or is connected with assessment collection of public revenue shall [words indistinct] of a period of 6 months following the day on which it is made, unless the case is finally decided or the interim order is withdrawn by court earlier.

[Passage indistinct] The president may transfer a judge of the high court from one high court to another high court, but no judge can be so transferred except with his consent and also consultation by the president with the chief justice of Pakistan and the chief justice of both high courts. Such [word indistinct] or consultations with the chief justices of the high court shall not be necessary if such transfer is for a period not exceeding 2 years at a time. Where a judge is so transferred or is appointed to an office other than that of judge at a place other than the principal seat of the high court [words indistinct] during the period for which he was the judge of the high court to which he is transferred or holds such other office, the (?enforcement) [words indistinct]. If at any time it is necessary to increase temporarily the number of judges of the high court, the chief justice of that court may require a judge of any other high court to attend sittings of the former high court [words indistinct]. The judge shall have the same power of jurisdiction as the judge of that high court, provided that a judge shall not be so required except for the consent and the approval of the president and after consultation with the chief justice of Pakistan and the chief justice of the high court, of which he is the judge.

About chairman and members of the Federal Shari'at Court, the order lays down that the chairman of the Federal Shari'at Court must be a person who is or has been or is qualified to be judge of the Supreme Court, and he is or has been a former judge of the high court and a member of the [word indistinct] who is or has been or is qualified to be a judge of the high court. The chairman and members shall hold office for a period not exceeding 3 years but may be appointed for a further term or terms as the president may determine, provided that a judge of the high court shall not be appointed to be a member for a period exceeding 2 years, except with his consent and except where the judge is [words indistinct] at the consultation by the president with the chief justice of the high court. A person who has office as a judge of the Supreme Court or of the high court shall not hold any (?public) service post except in a judicial office, or as vice president, chief election commissioner, chairman or member of the Council of Islamic Ideology, diplomat or adviser within 2 years of retiring from his judgeship. [passage indistinct]

[Karachi Domestic Service in Urdu at 0200 GMT on 25 March adds the following at this point: "If a government employee, after 25 years of service, has retired or has been made to retire, and fulfills the conditions for pension and other benefits of retirement, no court or tribunal will hear any case against the order of retirement. Any such appeal pending before any court or tribunal immediately before this order will be considered null and void; however, any such government employee, within 30 days after issuance of the order for his retirement or within 30 days after the issuance of the provisional constitution order, whichever is the latest, will be eligible to apply to the appropriate authority for scrutiny of the order."]

Political parties: When political activity is permitted by the president, only such of the defunct political parties shall be entitled to function as were registered with the Election Commission on 30 September 1979. All political parties other than those specified in clause one shall stand dissolved, and all their properties and funds shall be forfeited to the central government. No political parties shall be formed after the commencement of this order except with the previous permission in writing of the chief election commissioner. If the president is satisfied that a political party has been formed or is operating in a manner prejudicial to the Islamic ideology or the sovereignty, integrity or security of Pakistan, the president may dissolve the political party, in consultation with the chief election commissioner.

Promulgation of laws, acts, etc: The proclamation of [words indistinct] all social orders, orders of the chief martial law administrator and [word indistinct] mainly the Constitution made by the president or the chief martial law administrator, martial law regulations, martial law orders and all other laws made on or after the 5th day of July 1977, are hereby declared, notwithstanding any judgment of any court that has been (?validly) made by competent authority, and shall not be called in question on any cause or any ground whatsoever. All orders made, proceedings taken and acts done by any authority or by any person which are made, taken or done [words indistinct] on or after the 5th day of July 1977, (?and) the powers derived from any social orders, orders of the chief martial law administrator, martial law regulations, martial law orders, allotment notification rules, or orders or by laws or an institution of any orders made or sentences passed by any authority in these [words indistinct] or powers be aforesaid shall, notwithstanding any judgment of any court, may [words indistinct] and shall not be called in question in any court on any ground whatsoever.

Provided that nothing in the clause shall [words indistinct] where a military court is established in (?accordance) with the martial law order made by the chief martial law administrator, no other court--including the Supreme Court and a high court--shall [word indistinct] and indictment made on an order or on any proceedings in respect of any matter of which [words indistinct] or which had been transferred to the military court, and all proceedings in respect of any such matter--including (?proceedings) of such other courts--shall [passage indistinct].

Notwithstanding judgment of any court, including any judgment in respect of the powers of the court, [words indistinct] any court--including the Supreme Court and a high court--shall not make an order relating to the validity or (?text) of any order or martial law regulation made by the chief martial law administrator, or any martial law order made by the chief martial law administrator or the martial law administrator or a zone (?commander) [passage indistinct].

The order also provides the power to amend the Constitution. The president and chief martial law administrator can have and can assume [words indistinct] the power to amend the Constitution. As for (?the power) of the judges, the order provides that a person holding office immediately before the commencement of the order as chief justice of Pakistan or as the judge of the Supreme Court or chief justice or as a judge of the high court or [word indistinct] or other member of the Federal Shari'at Court shall not continue to hold that office if he is not given oath in the form set out in the (?schedule) before the expiration of such time as [words indistinct] as the president may determine, or until such time as may be allowed by the president. A person referred to in clause one, who has made an oath as required by that clause, shall be bound by the provision of that order and--notwithstanding the judgment of any court--shall not call in question or permit to be called in question the validity of any of the said provisions. A judge of the Supreme Court and a chairman and member of the Federal Shari'at Court shall take the oath before the president or a representative nominated by him, and a judge of the high court can take the oath before a governor or a (?person) nominated by him.

The order lays down the provisions for the removal of difficulties. The chief martial law administrator may, for the purpose of removing any difficulties or for (?putting) the provisions of this order into effective operation, make such provisions as he may deem to be necessary or expedient.

JUDGES SWORN IN UNDER PROVISIONAL CONSTITUTION

BK251639 Karachi Domestic Service in Urdu 1500 GMT 25 Mar 81

[Text] The acting chief justice of the Supreme Court and its judges, chairman and members of the Federal Shari'at Court and chief justices and judges of various high courts took their oath of office today following the promulgation of Provisional Constitution Order 1981. Mr Justice Mohammad Haleem of the Supreme Court was sworn in as the acting chief justice of Pakistan this afternoon. His oath of office was administered by President Gen Mohammad Ziaul Haq. The other judges of the Supreme Court who were sworn in by the president include: Mr Justice Aslam Riaz Hussain, Mr Justice (M. Afzal Zullah), Mr Justice Dr Nasim Hasan Shah, Mr Justice Abdul Qadir Sheikh and Mr Justice Shafiur Rahman.

The president also administered the oath of office of Mr Justice Salauddin Ahmed as the chairman of the Federal Shari'at Court. Three other members of the court--Mr Justice Agha Ali Hyder, Mr Justice Aftab Hussain and Mr Justice Karimullah Durrani--were also sworn in by the president.

Earlier, Mr Justice Shafiurrahman took the oath of office as a judge of the Lahore high court under the Provisional Constitution Order. Minister of Law Sharifuddin Pirzada administered his oath of office. Mr Justice Shamim Hussain Qadri was sworn in Lahore as the acting chief justice of the Lahore high court. The judges of the court also took the oath. Punjab Governor Lt Gen Ghulam Jilani Khan administered their oath of office. Earlier, the governor administered the oath of office of Mr Justice Karam Elahi Chauhan, a judge of the Supreme Court. A judge of the Multan bench of the Lahore high court, Mr Justice (Abdus Shakurus Salam) took the oath in Multan.

Provincial Governor Lt Gen S.M. Abbasi administered the oath of Sind high court chief justice to Mr Justice Abdul Hai Qureshi in Karachi. Thirteen judges of the high court also took the oath. They are: Mr Justice Nayeemuddin, Mr Justice Zahural Haq, Mr Justice B.G.M. Kazi, Mr Justice Sayeeduzzaman Siddiqi, Mr Justice Nasir Aslam Zahid, Mr Justice A.G.A. Ghani, Mr Justice Zafar Hussain Miraza, Mr Justice Ajmal Mian, Mr Justice Sajjad Ali Shah, Mr Justice Syed Ghaus Ali Shah, Mr Justice Ghulam Mohammad (Orezo), Mr Justice Zulfiqar T. (Walyani) and Mr Justice Salim Akhtar.

In Peshawar, Provincial Governor Lt Gen Fazle Haq administered the oath of Peshawar high court chief justice to Mr Justice Shahnawaz Khan. Five judges of the high court were also sworn in. They are: Mr Justice Mian Burhanuddin, Mr Justice Usman Ali Shah, Mr Justice Ali Hussain (Qazalbad), Mr Justice Sardan Fakhre Alam and Mr Justice Shah Abdur Rashid.

Mr Justice Zakaullah Lodhi was sworn in in Quetta as the acting chief justice of Baluchistan high court. Provincial Governor Lt Gen Rahimuddin Khan administered his oath of office. Mr Justice Abdul Qadir Choudhury took the oath as the judge of the court.

CHIEF JUSTICE, OTHER JUDGES REFUSE TO TAKE OATH

NC251205 Paris AFP in English 1202 GMT 25 Mar 81

[Text] Islamabad, 25 Mar (AFP)--Chief Justice of Pakistan and a number of other judges of provincial high courts today refused to take the oath under the new Constitution promulgated by President General Muhammad Ziaul Haq here yesterday, court sources said today.

In a letter addressed to President Zia, Chief Justice of the Supreme Court S. Anwarul Haq said that "consistent with conscience I find it impossible to take oath" under the provisional Constitutional Order."

In addition to Anwarul Haq two other judges of the country's supreme law enforcing body have also sent similar letters.

In Lahore 9 of the 28 judges of the Lahore high court also refused to take the oath administered this morning by the military governor of the Punjab Province. Under the law decreed through the martial law order last night those who did not take the oath would no longer be able to hold offices.

In southern Pakistan, two Sind high court judges also failed to take fresh oaths of office, thereby disqualifying themselves from their judicial role. They were named as Justice G.M. Shah and Justice A.A. Memon. The oath of office was administered to 14 Sind high court judges by the governor of Sind, Lieutenant-General S.M. Abbasi. One of the 14 was the chief justice.

The Provisional Constitutional Order, which put in abeyance the 1973 Constitution, stipulates that any Supreme Court or high court judge who fails to take a fresh oath of office must step down. The new order has withdrawn most of the powers of the higher courts to review cases tried by military tribunals. Fundamental rights provided under the 1973 Constitution have remained suspended in Pakistan since President Mohammad Ziaul Haq seized power in July 1977, in a bloodless military coup.

KASHMIR MUSLIM CONFERENCE PULLS OUT OF MRD

BK260641 Karachi Domestic Service in Urdu 0200 GMT 26 Mar 81

[Text] President of the defunct Jammu and Kashmir Muslim Conference, Sardar Abdul Gayyum Khan, said in Islamabad last night that his party has dissociated itself from the so-called MRD [Movement for Restoration of Democracy]. He said that he has suggested that all the people belonging to the so-called MRD who are opposed to terrorism and subversion should review their positions in the group. Sardar Abdul Gayyum Khan said that there is a pressing need for all patriotic people to unite to counter the politics of terrorism and subversion.

KHOMEYNI RECEIVES KERMANSHAH GOVERNOR, IMAM

GF251229 Tehran International Service in Arabic 1100 GMT 25 Mar 81

[Text] Imam Khomeyni, leader of the nation and founder of the Islamic Republic, received the Kermanshah Friday imam, Ayatollah Khaddemi, and the Kermanshah governor general, brother Zare', this morning. During the meeting, the Friday imam and the governor general submitted a report on the situation in the western part of the country.

The imam also received a group of committed Iranian doctors who reside in the FRG. The director of the martyr's foundation, Hojjat ol-Eslam Mahdavi Karubi, attended the reception.

RAJA'I RETURNS TO TEHRAN FROM FARS 26 MAR

GF261008 Tehran International Service in Arabic 0900 GMT 26 Mar 81

[Text] Prime Minister brother Mohammad 'Ali Raja'i left Fars Province for Tehran this morning after closely reviewing the situation of the war refugees there. During his inspection tour of the province, brother Raja'i issued instructions to the officials to expedite meeting the needs of those who have been rendered homeless by the aggressive war.

In a speech, he expressed the hope that during the new year more services and care will be extended to the families who have become homeless because of the aggressive war than offered during the past year.

INTERIOR MINISTER INTERVIEWED IN MASHHAD

LD251328 Tehran Domestic Service in Persian 1030 GMT 25 Mar 81

[Text] Ayatollah Madhavi-Kani, who is in Mashhad, took part in a brief radio and television interview today with a Central News Bureau correspondent. In answer to a question on his views about changing the provinces and the governors general, he said:

A plan has been prepared in the Ministry of Interior concerning the country's administrative divisions. The plan is going through its last stages. According to this plan, if it is approved by the Majlis, some changes will be made in the administrative divisions of the country and four of the provinces will probably be amalgamated into two provinces. These divisions will be based on geographical, cultural and economic considerations. Concerning the governors general, he said: So long as a governor general has not resigned or has not committed an offense, he will continue his work.

In answer to a question about freedom for parties and groups, the minister of interior said: After the Majlis approves the bill on freedom of parties, the Ministry of Interior will implement what will be announced to this ministry. However, before this law is approved, one should have a responsible attitude toward groups and parties; this is purely in order to prevent sabotage, conspiracies and disturbance of the national order. He asked various groups to put aside their differences in these critical conditions and to act in unity, because any kind of opposition against the Islamic Republic today will be in the interest of the enemies of the country. Concerning the holding of elections in areas where elections have been postponed, the minister of interior expressed his hope that this will be done in less than a month.

Finally, in a message to the people of Khorasan, he asked them to welcome their compatriots who have been affected by the war and to see to their needs.

He also asked the war refugees to limit their expectations in accord with what is possible, and the compatriots affected by the war to be aware of the conspiracies of some groups.

UK DEFENSE MINISTER'S UPCOMING GULF VISIT VIEWED

LD261052 Tehran International Service in Arabic 2230 GMT 25 Mar 81

[Unatttributed commentary]

[Excerpts] The British minister of defense is paying an official visit to the Gulf states. It appears that the visit manifests Britain's desire to have an audible voice and a bigger military presence in this vital area, which supplies the Western and the U.S. economy with oil. It also comes after the proposal that Thatcher made on the need to set up a security alliance among the Gulf states. It is common knowledge that Saddam's foreign minister, Sa'dun Hammadi, visited London to review the situation and complained to his mistress that some regimes in the area were turning away from their twin--the Baghdad regime.

Perhaps after a glance at the fast moving events of more than a month ago, and now that the imperialist circles and the reactionary states have (?declared) Saddam and his black Al-Qadisiyah forces insolvent, it becomes clear how the imperialist circles began to recheck their calculations and rearrange the cards in the international game, in the face of the infinite steadfastness of our Islamic revolutionary forces and the readiness of all of our Islamic people to sacrifice themselves to protect and defend the great Islamic revolution in Iran.

The British minister of defense has come to the area bearing offers of goods, of (?selected) destructive weapons and sugared promises of direct support if one of the states is exposed to some danger. Naturally, the weapons will be accompanied by advisers. And these will need centers and possibly bases. Britain will thus enter the area through the window, after leaving through the door in the early 70's.

U.S. and Western fleets and warships are constantly (?present) in the Gulf. The Rapid Deployment Forces are getting ready and have taken up positions in U.S. bases in the area; and because the United States had a share of the (?contracts) and the military bases in the Gulf, Britain must also take its share. What remains for us to say here is that the period that preceded the downfall of the deceased shah was full of the comings and goings of U.S. and Western advisers. What was the result? The deceased shah fell under the blows of the Muslim revolutionaries, despite all of the aid and support that America (?and the other imperialist powers) gave to him and his successors, Bakhtiar. At that time, America sent a squadron of planes to flex their muscles. Today, now that the deteriorating situation in Iraq has reached the point of no return, now that the hireling tribal regime has gradually begun to puff its last breath, and the blows have begun to be dealt against Saddam and his (?henchmen) and mercenaries from every direction, the popular wrath in Iraq itself has begun to take on new dimensions against the regime [words indistinct]. What can the British minister of defense do for Saddam now that Saddam is submerged up to his ears in the mud of the black Al-Qadisiyah forces?

Thatcher's and Carrington's promises to Saddam and his regime will not save him from the judgment of the oppressed Muslim people in Iraq. The Muslim people of Iraq, who have suffered so much at the hands of the ruling tribal band in Baghdad, will seek revenge for all of the innocent blood that Saddam and his hireling regime spilled for the sake of the blue eyes of the masters in Washington, London, Paris and elsewhere. Soon the unjust assailants will know what their affairs will take. [Koranic verse]

COMMUNIQUE 446 REPORTS SUCCESSES, CASUALTIES

LD251810 Tehran Domestic Service in Persian 1630 GMT 25 Mar 81

[Communique 446 of the Joint Staff of the Armed Forces of the Islamic Republic of Iran]

[Text] In His exalted name. Combatant, Muslim nation of Iran: Here is a report of some battles and how they were fought and on the situation on the battlefields of right against wrong:

1. At 1735 yesterday, with unprecedented vigilance and accuracy, the fast fighter aircraft of the Air Force of the Islamic Republic of Iran pursued an aircraft of Saddam's armed forces that had violated Khuzestan's airspace and opened fire on shooting it down in the vicinity of Shadegan.

2. During the past 24 hours, the heroes of the Navy of the Islamic Republic of Iran opened fire on positions of the Iraqi forces west of Khuninshahr: as a result of their uninterrupted fire, several enemy trenches and fortifications were destroyed and a number of agents serving the Saddam at-Tikriti regime were either killed or wounded.

3. An exchange of artillery and heavy weapons fire west and south of the city of Susangerd has been continuing over the past 24 hours and the army of Islam has subjected enemy positions and trenches in Karkheh Kur to a hail of light and heavy weapons fire and inflicted heavy casualties on Saddam's mercenaries. The troops of infidel Saddam retaliated in a cowardly manner by opening artillery fire on the villages of Hamidiyeh and Kut, but, as yet, there are no reports of probable casualties.

4. As a result of artillery fire from Saddam's army on Abadan, 4 of our dear compatriots were martyred and another 30 sustained injuries; also, residential areas were damaged. Simultaneously, the city of Ahvaz was subjected to a missile attack; as a result, a number of heroes in Ahvaz were martyred and others were wounded. Buildings and shops were damaged. Yesterday afternoon, the Iraqi criminals subjected the cities of Ilam and Eslamabad to an air raid; a number of civilians in these two cities and several gendarmerie combatants were wounded.

5. Yesterday morning, the self-sacrificing combatants of the ground forces and our fearless brothers from the guards corps, with the cooperation of the people's forces, launched a coordinated assault on an[illegible], with resounding success, occupied the heights overlooking Nowsud, which had been occupied by the Iraqi mercenaries. During these bold operations, over 100 misled soldiers of the Iraqi Ba'thist Army were either killed or wounded; our combatant forces suffered 2 martyrs and 5 wounded.

6. At 0600 today, the heroes of the Marivan barracks opened heavy artillery fire on the (Khormal) and Ahmadabad barracks; as a result, losses and casualties were inflicted on the enemy. No accurate figures are available yet as to the extent of the losses suffered by the enemy.

7. At 0630, the forces occupying the forward lines in the western region attacked enemy positions with mortar fire; as a result, one Iraqi armored personnel carrier was destroyed and a number of servicemen were either killed or wounded.

8. At 0700 today, our valiant forces opened fire on an enemy position in Zeleh Zard on the Naftshahr road; as a result, the enemy sustained losses in life and equipment.

[Signed] The Joint Staff of the Armed Forces of the Islamic Republic of Iran

MILITARY COLUMN ATTACKED BY KURDISH FORCES

LD261122 Tehran Domestic Service in Persian 1030 GMT 26 Mar 81

[Text] According to a PARS report one column of military brothers traveling from Mahabad to Urumiyeh yesterday afternoon came under a cowardly attack by armed elements of the Kurdish Democratic Party near the village of (Qezelgeli). The Public Relations Department of the Islamic Revolution Guards Corps in Urumiyeh confirmed this report and said: This clash started at 1500 and lasted for 1 hour. Seven military brothers were wounded, one of whom is in serious condition. Two of the assailants were wounded and arrested. No accurate figures are available about the number of casualties among the counterrevolutionaries.

NVOI ON LAND DISTRIBUTION LAW, 'HOMEMADE' MAOISTS

TA252015 [Editorial Report] The clandestine National Voice of Iran in Persian to Iran at 1730 GMT on 25 March carried two commentaries.

The first, entitled "Implementing Paragraph 6 of the Land Distribution Law Is a Revolutionary Must," said that implementing the agrarian reform law, especially its sixth paragraph, is a revolutionary must. Negligence in the implementation of this important and vital matter is to the benefit of the counterrevolution and to the detriment of the revolution and its gains. When it was announced that implementation of paragraph 6 of the land distribution law was being temporarily suspended, it was very obvious that pressures from big landowners and their liberal supporters, along with that of some responsible officials of the Islamic Republic of Iran, had finally succeeded in forcing the revolutionary authorities to retreat, even if temporarily. Although the dissemination of this report caused deep asponishment and anxiety to millions of the oppressed of the villages and to the true revolutionary forces, being a great victory of the feudalists and big landowners, it caused joy and happiness to all of the parasites of society. Temporary suspension of the sixth paragraph of the land distribution law was the start of an all-out offensive by the feudalists and big landowners against the revolution, its gains and millions of our homeland's peasants. Currently not a day passes without the feudalists, khans and their armed elements creating a disaster in this or that village in the country and causing the blood of the oppressed of the villages to be spilled.

The support by a number of responsible officials and by some clergy for the feudalists and the criminal landowners has rightly caused intense concern to millions of oppressed in villages and towns and to the true forces of the revolution. Millions of villagers recognize opponents of the land distribution law, particularly of its sixth paragraph, and those who directly or indirectly prevent the prompt implementation of this law, as the opponents of the revolution and the opponents of the imam's popular and anti-imperialist line. At the same time, by relying on the support of the imam and the great eminences who follow the imam's policy, they are continuing with utmost power the struggle to regain their rights. The immediate implementation of the land distribution law and the dispossession of the usurping feudalists is one of the most important elements for developing and broadening the revolution.

The second commentary, entitled "Beijing's Maoists--The Allies of World-Devouring U.S. Imperialism," said: When we briefly review the futile attempts by world-devouring U.S. imperialism to return to Iran and revive its plundering and lost positions in our country, we see that Beijing's Maoists, too, were and are at the side of the United States in all of these attempts, in one way or another.

During the prerevolutionary and postrevolutionary period, Beijing's leaders, these masters of the homemade Maoists, were against the Iranian people, and at present, too, they are in harmony and in cohesion with the enemies of the Iranian revolution. It is not accidental that today we are witnessing the bitter fact that the American homemade Maoists are actively participating in all of the counter-revolutionary plots and activities against the system of the Islamic Republic, hand-in-hand with the liberals, the counterrevolutionaries and the Savakists. In many cases they have even outpaced the shah-lovers and the counterrevolutionaries.

The fact is that Maoism, regardless of its superficial slogans, is one of the allies of imperialism and world reaction and is the steadfast enemy of the freedom and independence of nations. We are addressing those young people and individuals who have been deceived by the ultrarevolutionary slogans of the Maoists, and who willingly or unwillingly are stepping into the quagmire of the adventures of the American Maoists, without paying heed to the true nature of Maoism.

In the sphere of foreign policy, China is indisputably in the imperialist camp and that of all the reactionary countries of the world. The main outlines of the policy of Beijing's leaders are aimed at the struggle against socialist countries, above all against the Soviet Union, and against liberated countries and liberation, national and anti-imperialist movements. Without doubt, those deceived individuals who have fallen into the trap of Maoism are aware of the revolutionary struggles of the Iranian nation and have observed how the present leader of the Beijing regime visited Tehran and declared his regime's total support for the bloody regime of the treacherous Mohammad Reza. Surely these young people and individuals are also aware of the fact that Beijing's leaders, hand-in-hand with U.S. imperialism, are struggling throughout the entire world against all liberation, national and anti-imperialist movements. The allies of present-day China are the South Africa racists, the Chile executioners, the Zionists, traitors such as the As-Sadats and the Ziaul Haqs and similar elements.

The American Maoists in our country are actually the fifth column of the Beijing regime and U.S. imperialism in our homeland. Those who have unwittingly fallen into the trap of these mercenary foreign elements should become aware of this fact before it is too late. Participation in the plots and adventures of the American homemade Maoists is treason to the revolution, treason to the nation and treason to the martyrs who sacrificed their lives for the independence and freedom of the Iranian nation.

The homemade Maoists are the allies of world-devouring U.S. imperialism, and Maoism is one of the philosophies of imperialist theoreticians for diverting liberated and captive nations from the struggle against the principle enemy, world-devouring America, and against reactionary and U.S. puppet regimes.